

**CITY OF WOBURN
DECEMBER 21, 2010 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$25,000.00 be and is hereby appropriated as so stated from Overlay Reserve Acct #01-322000 \$25,000.00 to Assessors Personal Property Acct #0113757-584042 \$25,000.00.

I hereby approve the above: s/Scott D. Galvin, Mayor

I hereby recommend the above: s/Andrew Creen City Assessor

I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Ruth Lennon, 22 Hart Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow import of approximately 300 cubic yards of gravel to raise elevation to 96.00 feet at 22 Hart Street. PUBLIC HEARING OPENED. A communication dated December 20, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Ruth Lennon – 22 Hart Street – To allow the import of approximately 300 cubic yards of gravel to raise the elevation to 96' pursuant to Section 5.5

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 14, 2010, the Board voted to inform the City Council that the petitioner has not provided sufficient information to complete the review of the petition by the Board.

If members of the City Council have any questions or concerns regarding the foregoing, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated December 16, 2010 was received from Richard Lennon as follows:

Re: 22 Hart Street Permit

Dear Sir,

At this time I respectfully request to withdraw without prejudice the permit application to import fill at 22 Hart Street.

Regards,
Richard Lennon

On the petition by Monarch Homes, Inc., 13 Wheeling Avenue, Woburn, Massachusetts 01801 for two special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 22.E.d to allow for a 33 unit, 35 bed Alzheimer's Residence, and 2. Pursuant to Sections 8.6.2 and 22.H.2 to allow for an exception to the area and landscaping requirements in Section 8.6.2, at Lot A, 859 Main Street. PUBLIC HEARING OPENED. A copy of a communication dated December 17, 2010 to Ed Tarallo, Planning Director was received from John E. Corey, Jr., PE, City Engineer as follows:

Subject: 859 Main Street –Alzheimer's Care Facility Special Permit
Traffic Report Dated November 2010
Revised Table 4.

A revised Table 4. Appurtenant to the above referenced traffic study was submitted to this office in response to our memorandum of December 14, 2010.

The revised Table depicts the level of service for each signalized intersection for the 2015 Build Option including background traffic growth and the Alzheimer's Unit prior to the other projects being occupied. Under this scenario, there is minimal traffic impact and there would be no reduction in the level of service at either School St. and Main St. or Main St. at Alfred St. and Elm St.

On the basis of the foregoing, we concur with the conclusions of the traffic study that the proposed facility in itself will have minimal traffic impacts on the surrounding area. This cannot be said for the project in conjunction with other projects that may come forth in the future and these projects would have to be evaluated at the time they are submitted.

I trust the foregoing information suffices for your current needs. Should you have any questions or comments, please do not hesitate to contact this office.

A communication dated December 20, 2010 was received from John E. Corey, Jr., PE, City Engineer as follows:

Subject: 859 Main Street –Alzheimer’s Care Facility Special Permit - Mitigation Costs

The writer has reviewed submitted costs for the above referenced facility as forwarded to this office by the applicant’s legal counsel.

The estimated site development cost is \$1,700,000.00 and at three percent the resulting mitigation fee would be \$51,000.00. The applicant has indicated that a fifteen foot strip of land along the frontage of Main Street will be conveyed to the City of Woburn for widening purposes. According to the applicant’s legal counsel, the value of this land is \$35,700.00. On this basis, the mitigation fee proposed by the applicant would be \$15,000.00.

At this time, we have no formal plan or written description of the proposed easement for roadway purposes.

I trust the foregoing information suffices for your current needs. Should you have any questions or comments, please do not hesitate to contact this office.

A communication dated December 20, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Monarch Homes, Inc. – 859 Main Street Lot A – To allow for the construction of a 33 unit, 35 bed Alzheimer’s residence pursuant to Section 22.E.1.d and to allow for an exception to the area and landscaping requirements pursuant to Sections 8.6.2 and 22.H.2

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 14, 2010, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Monarch Homes, Inc., regarding the property at 859 Main Street Lot A, to allow for the construction of a 33 unit, 35 bed Alzheimer’s residence pursuant to Section 22.E.1.d and to allow for an exception to the area and landscaping requirements pursuant to Sections 8.6.2 and 22.H.2, subject to the following conditions:

1. The Plans of Record shall be the plans consisting of sheets G-1, S-1, C-1, C-2, C-3, L-1, D-1, D-2 and D-3 with the cover sheet G-1 entitled "Special Permit Woburn City Council Alzheimer's Care Facility, Part of 895 Main Street, Woburn, Massachusetts" by Waterfield Design Group, 5 Cross Street, Winchester, Massachusetts 01890 dated October 18, 2010 revised November 23, 2010 except for Sheet S-1 dated 06/8/10 ("Plans");
2. That the water as shown on the plan shall show individual hydrant gate valves to isolate the fire hydrants and be able to supply water for the domestic and fire protection in the event that the fire hydrants need to be serviced;
3. That the drainage shown on Sheet C-3 shows a catch basin at the entrance to the parking area in the front of the proposed building which is located on the church property, this catch basin shall be relocated on to the property of the proposed Alzheimer's Care Facility and shall be consistent with the other plans in the submission;
4. That the Engineering Department shall be provided with electronic as built of the project at time of final occupancy permit;
5. That the applicant shall provide to the City Engineer project cost data for the computation of the mitigation required and that the City Council require such mitigation money for the roadway improvements on Main Street between Alfred St. and School St.;
6. That the dumpster shall be screened by sight impervious enclosure;
7. That the easement shall be a permanent easement for access being from Main St. to beyond the dumpster as shown on Sheet C-1 and that any modification of the easement shall require the approval of the Woburn City Council and a copy of said easement shall be recorded and incorporated as part of this decision;
8. That the driveway to the parking lot and dumpster over the easement shall be no less than 24' wide;
9. That the slope of the lot to the rear of the dumpster and its retention shall be approved by the City Engineer;
10. That a 15' easement running along the Main Street frontage of the property shall be provided to the City for the widening of Main Street;
11. That the Planning Board shall review and approve a landscaping plan and shall retain jurisdiction over the landscaping;
12. That vertical granite curbing shall be required along the driveway from Main Street up to the first curb cut into Alzheimer's Facility parking lot;
13. That the overflow from the infiltration system shown on the Plans shall be tied into the City's drainage system as approved by the City Engineer;
14. That a representative of the Archdiocese of Boston be present at the upcoming City Council meeting; and
15. That the utility pole shown on Sheet C-3 shall be relocated so that it is not within the fifteen foot easement required in condition 10 but shall be located at the back of said easement and that the underground utilities shall begin from the relocated pole as further shown on Sheet C-3;

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by 335 Washington Street LLC, 394 Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 7.3 and 57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the pre-existing non-conforming use and structure containing approximately 53,379 square feet of gross floor area and 228 parking spaces to allow for: 1. An automotive parts store in Unit 3 consisting of approximately 7,000 square feet of net floor area, 2. The overnight parking of commercial vehicles, and 3. To provide for 221 parking spaces, at Unit 3, 335 Washington Street. PUBLIC HEARING OPENED. A communication dated December 17, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 335 Washington St. LLC – 335 Washington Street Unit 3 – To allow for the alteration of the existing non-conforming use and structure containing 53,379 S.F. of gross floor area and 228 parking spaces to allow for an automotive parts store in Unit 3 consisting of 7,000 S.F. of net floor area; the overnight parking of commercial vehicles; and to provide 221 parking spaces as shown on the plans pursuant to Sections 7.3 and 5.1.57b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 14, 2010, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of 335 Washington St. LLC, regarding the property at 335 Washington Street, Unit 3, subject to the following conditions:

1. The Plan of Record shall be the plan entitled “Site plan of Land 355 Washington Street, Woburn, Massachusetts.” prepared by Dana F. Perkins, Inc., 1049 East Street, Tewksbury, Massachusetts 01876 dated October 14, 2010 as revised 11/04/10 and 12/13/10 (the “Plan”) and the parking spaces, traffic signs, and designations on the pavement shall all be in accordance with the Plan;
2. That no more than four (4) commercial vehicles shall be parked overnight at the premises and all registered vehicles to be parked on the premises overnight shall be registered in the City of Woburn in the spaces designated on the Plan; and
3. The Planning Board shall review and approve a landscaping plan and shall retain jurisdiction over the landscaping.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$2,773,634.38 from Debt Reserve Account to Debt Principal Acct and Debt Interest Account, committee report was received "ought to pass."

SPECIAL PERMITS:

On the petition by Self Storage Group LLC for a minor modification of a special permit issued on July 31, 2008 for the property located at 420 and 422 Washington Street by changing Condition 17 to read: "17. Hours of operation for office staff will be Monday through Friday 9:30 a.m. to 6:00 p.m.; Saturday and Sunday 9:30 a.m. to 5:00 p.m. Access hours with a key card will be Monday through Sunday, 6:00 a.m. to 10:00 p.m., all of the hours of operation for office and access apply only to self-storage in the B-I zone are restricted to B-I zoning only.", committee report was received "ought to pass".

On the petition by West Marine for a minor modification of a special permit at 299 Mishawum Road, committee report was received "ought not to pass without prejudice pending filing of a full application." A communication was received from Jay Schoneman, Program Manager Architectural Service, Interplan LLC, One South 280 Summit Avenue, Suite D, Oakbrook Terrace, Illinois 60181 as follows:

I request that our minor modification request be withdrawn without prejudice. We will be submitting paperwork for a full special permit.

s/Jay Schoneman, Interplan LLC

On the petition by Woburn Properties, LLC for a minor modification of a special permit at 299 Mishawum Road, committee report was received "ought not to pass without prejudice to allow petitioner to file an application."

POLICE AND LICENSES:

On the petitions for renewal of First Class Motor Vehicle Sales Licenses by Azue Dynamics US, Inc. and M&L Transit Systems, Inc., committee report was received "ought to pass".

On the petitions for renewal of Second Class Motor Vehicle Sales Licenses by Anchor Body Corp.; Kenneth L. O'Connor dba City Line Motors; Enterprise Rent-a-Car Company of Boston, LLC; Robert Khouzami; Larade's Collision Repair Center, Inc.; McSheffrey Auto Sales, Inc.; Ollies Service Center; Tracy M. Batten dba Tracy's Auto Sales; and Wassim (Sam) Nicolas dba Woburn Square Mobil, committee report was received "ought to pass".

NEW PETITIONS:

Petition for renewal of First Class Motor Vehicle Sales License by Lannan Chevrolet-Olds, Inc, 40 Winn Street and 56 Winn Street.

Petition for renewal of Second Class Motor Vehicle Sales Licenses by Robert Fucarile dba Classic Auto Sales, 9 Salem Street; Nicolas Saba dba Montvale Service, 289 Salem Street; Woburn Gas & Service, Inc., 545 Main Street; and Abdelaziz Ilaj dba Woburn Motors, 104 Winn Street.

Petition by Blair Crawford, 89 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.1 of the 1985 Woburn Zoning Ordinances, as amended, to recognize the legal use of a pre-existing non-conforming property as a three-family detached dwelling at 87-89 Main Street.

Petition by West Marine, 500 Westridge Drive, Watsonville, California 95076 for a special permit pursuant to Section 5.1.22c of the 1985 Woburn Zoning Ordinances, as amended, to alter the existing site plan for alterations to sidewalk and adding a door and stairs for access to receiving dock pursuant to filed plan, at 299 Mishawum Road.

Petition by Woburn Properties, LLP, c/o Cummings Properties, LLC, 200 West Cummings Park, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.30b and 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended to approve as-built plans which include two minor modifications to the plan of record, at 8 Cabot Road.

COMMUNICATIONS AND REPORTS:

A communication dated December 13, 2010 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending October 2010: number of parking violations issued 1,059, number of violations paid 566, number of violations outstanding 357, amount collected and submitted to the Office of the Collector \$42,139.20. There exists a backlog of 5,176 tickets for 1982 through 2009. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$8,400.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

A communication dated December 13, 2010 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending November 2010: number of parking violations issued 1,176, number of violations paid 599, number of violations outstanding 434, amount collected and submitted to the Office of the Collector \$45,546.00. There exists a backlog of 5,166 tickets for 1982 through 2009. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$8,900.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

A communication dated December 17, 2010 with attachment was received from Woburn Traffic Commission as follows:

Re: City-wide Trucking Study

The Woburn Traffic Commission reviewed the possibility of conducting a city-wide trucking study. It was determined that the assistance of an outside consultant would be necessary to complete the review. The Traffic Commission secured an estimate from the city's traffic consultant Vanasse Hangen Brustlin, Inc. for such a report. The report will identify preferred truck routes, evaluate the city street system, review land use to identify major truck origins/destinations, develop recommended/preferred truck routes, and develop a procedure for processing truck restriction requests. The final report would be submitted to the Massachusetts Department of Transportation as a comprehensive plan for approval.

A copy of the estimate from VHB of approximately \$25,000.00 is attached for review by the City Council. If this is a matter that the City Council wants to pursue, an appropriation of such amount would be required to do so.

Thank you for your attention to this matter.

s/William C. Campbell, City Clerk

A communication was received from Joseph P. Bell, 2 Ellis Street regarding the administration of President George W. Bush.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

From Woburn Traffic Commission:

ORDERED JEFFERSON AVENUE AND GARFIELD AVENUE – Four-way stop sign at the intersection of Jefferson Avenue with Garfield Avenue.

Motion made and 2nd to ADJOURN